STATEMENT BY MINISTER

Order of Chief Election Commissioner, dated 2nd August, 1993

THE MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H. R. BHARDWAJ)'. The constitutional and legal position regarding the scope and extent of disciplinary authority of the Election Commission in respect of officers and staff deployed for election work as also the scope and extent of the Commission's authority in the matter of deployment of forces to maintain law and order to ensure free and fair elections has been explained by the Attorney-General of Inida in a statement made by him on 4th August, 1993 in the Lok Sabha.

SHRI INDER KUMAR GUJRAL (Bihar): I am on a point of order.

THE DEPUTY CHAIRMAN : What is your point of order ?

SHRI INDER KUMAR GUJRAL: I want to know only one point. Is it the same statement which he made in the Lok Sabha yesterday ?

THE DEPUTY CHAIRMAN : Is it the same statement you made in the Lok Sabha?

SHRI H. R. BHARDWAJ: No. I have made a little correction. Some points have been added.

THE DEPUTY CHAIRMAN : Some new points must have come.

SHRI H. R. BHARDWAJ : Some new points have come.

The Attorney-General is of the opinion that article 324 of the Constitution does not give any disciplinary jurisdiction to the Election Commission over officers and staff deployed for election work, that the subject of public order is in the State List in the Seventh Schedule to the Constitution, that it is, therefore, for the State authorities to assess the law and order situation and to dtcide upon the requirement and dtp'oy-.ent of police or other forces to maintain law and order to ensure free and fair elections, that the Election Commission is free to make suggestions in this regard, that the State Governments were expected to act reasonably in responding to such suggestions, that the Central Government cannot be directed by the Chief Election Commissioner to send Central forces to a State contrary to the desire of the State Government and without any request being made for the same, and that Federal Constitution does not contemplate such a situation save in exceptional situations provided for in the Constitution. He is further of the opinion ill at the Election Commission cannot draw any authority from article 324 of the Constitution in support of the proposition that it is solely forthe Election Commission to decide as to which staff is required and that it is expected that the constitutional authorities would act in a spirit of cooperation and not bring about a crisis situation by any confrontationist approach.

Government accepts the opinion expressed by the Attorney-General of India.

The Government of India is firmly committed to resolve the deadlock created by the order of the Chief Election Commissioner of India. Hon. Members are also aware that petitions have been filed in the High Courts of Bombay, Calcutta, Madras and Patna, challenging the aforesaid order of the Chief Election Commissioner. The Election Commission has filed a Special Leave Petition in the Supreme Court against the order of the Bombay High Court, and the same is coming up for hearing today. The Election Commission has also filed a petition in the Supreme Court seeking transfer of these cases from High Courts to the Supreme Court. The Government is keen that the issues arising out of the said order of the Chief Election Commissioner are heard and decided as early as possible so that the democratic process of holding elections could continue without any hindrance. The Government is taking steps to Seek expeditious disposal of all the court cases in this regard.

SHRI INDER KUMAR GUJRAL : I am raising a point of order. Madam.

SHRI MURLIDHAR CHANDRAKANT BHANDARE (Maharashtra): Madam, only one thing before we adjourn. We are getting a stay of the postponement of the elections by the Chief Election Commissioner. In the whole statement there is no reference to what immediate steps need to be taken. This needs further clarification. ...*(Interruptions).*

SHRI H. R. BHARDWAJ : I will reply one by one ... *(Interruptions).*

THE DEPUTY CHAIRMAN: Yes, he is replying. Just a minute. I will call you. I will call you.

SHRI H. R. BHARDWAJ: Madam, several High Courts have granted stay. The Calcutta High Court has granted a stay. The Members are well aware that the Bombay High Court has granted a stay. Against them the SLP has been filed. We have instructed our Solicitor-General to put in an appearance and request the Court to decide this issue as expeditiously as possible. ... *(Interruptions).*

SHRI MURLIDHAR CHANDRAKANT BHANDARE: Ask for continuation of the stay. ... *(Interruptions).*

SHRI JOHN F. FERNANDES (Goa): Madam, I want to ...

THE DEPUTY CHAIRMAN : Yes, what is it ? ... *(Interruptions).*

SHRI JOHN F. FERNANDES: In the Lok Sabha he said that the Government of India would approach the Supreme Court to bring a slay on the order of the Chief Election Commissioner. He has not referred to that.

SHRI H. R BHARDWAJ : We have already directed the Solicitor-General to put in an appearance and put our viewpoint before the Court.

SHRI G. SWAMINATHAN (Tamil Nadu): Only one point. Madam. These are all legal matters.

1.00P.M.

SHRI INDER KUMAR GUJRAL: Madam, a while ago I had raised a point of order. Deliberately I asked the hon. Minister if it was the same statement that he made yesterday. He is on record having said 'No. There are some changes.' I was reading. It was word for word what he said yesterday in the Lok Sabha.

SHRI PRAMOD MAHAJAN (Maharashtra) : Gujral Ji, there is a change. Instead of Lok Sabha, Rajya Sabha has been written.

SHRI INDER KUMAR GUJRAL: That is ihe only change. Therefore, I hope the hon. Minister will have the propriety in his mind to kindly correct himself by saying that what he said a while ago was not correct.

The second point is this. This statement, whether made yesterday or made here, is a strange statement of helplessness that the Government of India refuses to discharge its responsibility. It is passing on the baby to the Supreme Court so that the Supreme Court bails the Government out. A first-rate crisis has been on the nation for nearly a week now. Here is a gentleman, whom I called not normal. He has made some observations and has taken some steps. He has pushed the entire nation into a crisis. And the Government refuses to take any step to remedy it. It is well known and I have given a submission to the Chairman yesterday that a Bill has been pending for three years before this House to make amendments in the Constitution, to make the Commission a multi-member Commission, to lay down the rules according to this. I am sure the hon. Minister..... I know it personally. .....is as deeply concerned about the crisis as we are. I give him full marks for that ___

THE DEPUTY CHAIRMAN: We are not starting the clarifications.

SHRI INDER KUMAR GUJRAL: .. but at the same time unfortunately he is not taking any steps to bail the nation out of this state. Please do whatever you want to do in the Supreme Court, but for God's sake act as a Government and act as an authority and represent this House and represent the Lok Sabha and bail the people out of this crisis. This is a crisis which is very agonising.

SHRI G. SWAMINATHAN : Madam, if this is the legality that you are going to do and all that, I would like to ask only one point regarding Tamil Nadu.

विपक्ष के नेता (श्री सिकन्दर बख्त) : सदर साहिबा, क्लैरिफिकेशंस शुरू हो गए हैं क्या ?

شری سکندر بخت : صدر صاحبہ، کلیری فکیشن شروع ہو گئے ہیں کیا۔

SHRI G. SWAMINATHAN : The whole matter started from Tamil Nadu. I would ask the Minister only one point...

SHRI SIKANDER BAKHT: Sadarsahiba, we must know whether we are on a regular discussion or not. *(Interruptions).*

SHRI G. SWAMINATHAN : I am on my legs. I would only ask because the matter started from Tamil Nadu.

THE DEPUTY CHAIRMAN: I have to adjourn the House for lunch.

श्री सिकन्दर बख्त : हाउस एडजॉर्न कीजिए, यह क्या बात है ?

†شری سکندر بخت : ہاؤس ایڈجورن کیجئے، یہ کیا بات ہے؟

SHRI G. SWAMINATHAN : I want only halt a minute, Madam.

THE DEPUTY CHAIRMAN : I have to adjourn the House for lunch. Mr. Minister, if there are certain queries in the minds of the Members regarding the Statement, regarding the stand of the Government, you can clarify all those points while replying.

SHRI H. R. BHARDWAJ: Madam, the reply can be on Monday.

THE DEPUTY CHAIRMAN: Monday? 0. K.

The House is adjourned for lunch till 230 P.M.

The House then adjourned for lunch at three minutes past one of the clock.

The House reassembled after lunch at thirty-four minutes past two of the clock. The Vice Chairman (Shri MD. Salim) in the Chair.

RESOLUTION REGARDING FORMULA-llON OF SCHEMES TO IMPROVE THE CONDITION OF FARMERS.

THE VICE CHAIRMAN (SHRI MD. SALIM): Dr. Naunihal Singh to move his Resolution.

SHRI M. A. BABY (Kerala): Mr. Vice-Chairman, you can permit the hon. Member to speak from the front bench.

उपसभाध्यक्ष (श्री मोहम्मद सलीम) : क्या आप आगे आकर बोलना चाहेंगे ?

DR. NAUNIHAL SINGH (Uttar Pradesh): Mr. Vice-Chairman, Sir, I will speak from my seat. I move the following Resolution :

"This House notes with concern the plight of farmers in the wake of floods, heavy rains and drought conditions coupled with declining trend in agricultural growth, exploitation by middlemen, traders and wholesalers engaged in agricultural produce trade and urges upon Government to formulate schemes which may increase the- earning capacity of the farmers, particularly that of small and marginal cultivators and also encourage the educated rural youth to take to agriculture-related occupations thereby enhancing the quality of life in rural areas."

Mr. Vice-Chairman, Sir, since I am a farmer myself, I am deeply interested in the enhancement of the prosperity of the farmers. I am remained of the beautiful words said by Sardar Vallabh Bhai Patel, "The only culture I know is agriculture". Sir, true agriculture is the mother of all cultures. It is still the main profession that makes the world free from hunger and sustains the very life of several millions in the developing countries of the world. Indian agriculture, like its civilisation, is one of the oldest professions. There is an age-old saying in Hindi:

"उत्तम खेती, मध्यम बान
निकृष्ट चाकरी, भीख निदान"

If not so literally, I could say in English that agriculture has been considered to be the most superior and noble profession. Then comes trading. Service was considered to be a lowly profession, beggin being the worst and the end of life.

Sir, the rural and farming community, constituting two-thirds of India's population, has continued to receive a raw deal from the policy-makers, causing it to be impoverished over the decades since Independence. The greatest hurdle to India's progress is the neglect of land and human resource. Since Independence, India has been slipping down the laddar of economic prosperity. According to the World Bank estimates, the average *per capita* GNP of agriculturists is only 150 dollars and that of non-agriculturists 699 dollars. Hence the agriculturists in India are very near the lowest rung of the world economic ladder. Though India is considered as one of the eight industialised countries of the world, surprisingly, it is also listed as one of the ten poorest countries of the world. It is a paradox of the highest order. In Ihe whole world, the percentage of arable land to total land area is 11 whereas in India it is 51.5. The climate being so moderate, that it enables India to produce two crops a year whereas, in the other parts of the world, hardly one crop could be produced because they are colder

† [ ] Transliteration in Arabic script.